

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DENNIS DURELL HOSKINS,

Petitioner,

Case No. 08-10200

v.

HONORABLE DENISE PAGE HOOD

SHIRLEE HARRY,

Respondent.

/

ORDER ACCEPTING REPORT AND RECOMMENDATION AND
ADMINISTRATIVELY CLOSING CASE

This matter is before the Court on Magistrate Judge Paul J. Komives' Report and Recommendation (R&R) [Docket No. 18, filed on April 12, 2010]. Neither party has filed objections.

The Magistrate Judge concluded that this Court should enter a stay and hold the case in abeyance pending Petitioner's exhaustion of his claim of denial to right to counsel in the state courts. No objections have been filed. The Court has had an opportunity to review this matter and finds that the Magistrate Judge reached the correct conclusion for the proper reasons. The Court also adopts the Magistrate Judge's conclusion that the Court condition the stay on Petitioner's filing a motion for relief from judgment in the trial court within thirty days of the entry of this Order. Petitioner must file a motion to reopen his habeas case in this Court within thirty days of the conclusion of exhausting state court remedies.

Accordingly,

IT IS ORDERED that Magistrate Judge Paul J. Komives' Report and Recommendation (R&R) [Docket No. 18, filed on April 12, 2010] is **ACCEPTED** and **ADOPTED** as this Court's findings and conclusions of law.

IT IS FURTHER ORDERED that Petitioner file a motion for relief from judgment in the trial court within thirty days of the entry of this order.

IT IS FURTHER ORDERED that Petitioner file a motion to reopen his habeas case in this Court within thirty days of the conclusion of state appellate review.

IT IS FURTHER ORDERED that this case is **ADMINISTRATIVELY CLOSED**.

S/Denise Page Hood
Denise Page Hood
United States District Judge

Dated: August 31, 2010

I hereby certify that a copy of the foregoing document was served upon Dennis D. Hoskins, Reg. No. 304532, Pugsley Correctional Facility, 7401 E. Walton Rd., Kingsley, MI 49649 and counsel of record on August 31, 2010, by electronic and/or ordinary mail.

S/William F. Lewis
Case Manager